REMARKS

By this Amendment, Applicants have amended claim 1. Claims 1-12 are

pending.

In the last Office Action, the Examiner:

a. rejected claims 1-4 under 35 U.S.C. § 102(b) over U.S. Patent No.

5,905,733 ("*Solve*");

b. rejected claims 5-7 under 35 U.S.C. § 103(a) over *Solve* and U.S. Patent

No. 5,347,513 ("*Abefelt*"); and

c. rejected claims 8-12 under 35 U.S.C. § 103(a) over *Solve* and an IEEE

article entitled "DTM: New Dynamic Transfer Mode using Dynamically

Assigned Short-hold Time-slot Relay" ("*Yamanaka*").

REJECTION OF CLAIMS 1-4

Applicants respectfully request withdrawal of the rejection of claims 1-4 under 35

U.S.C. § 102(b) over *Solve* because the cited reference does not teach each and every

limitation of those claims. Specifically, for claim 1, *Solve* does not teach at least

> associating each of at least those time slots which define channels
> conveying payload traffic with a respective additional bit which is
> used as a flag for indicating whether metainformation exists
> regarding the time slot associated with the respective additional
> bit[,] and

> conveying said metainformation, when said additional bit indicates
> the existence thereof, as at least some of the n bits of the time slot
> associated with said additional bit, said metainformation identifying
> one of the status of the time slot and the content of the time slot,

as recited in claim 1. Instead, *Solve* discloses using a steal flag to indicate whether a

time slot includes control information. *Solve*, col. 3, lines 3-6. The steal flags 140A and

140B are either a logical "1" or a logical "0," signifying whether the data fields 130A and 130B contain user data or control signaling for use in a Fast Associated Control Channel. *Id.* This is not the same as and does not suggest indicating in one bit that there exists metainformation in a particular time slot, and also conveying the metainformation in at least some bits of the time slot, where the metainformation indicates the status of the time slot or the content of the time slot.

Accordingly, for at least the above reasons, the rejection of claim 1 under 35 U.S.C. § 102(b) over *Solve* should be withdrawn, and claim 1 should be allowed. Further, the rejection of claims 2-4 under 35 U.S.C. § 102(b) over *Solve* should also be withdrawn at least by virtue of their dependence upon allowable claim 1, in addition to the patentable subject matter recited therein.

REJECTION OF CLAIMS 5-7

Applicants respectfully request withdrawal of the rejection of claims 5-7 under 35 U.S.C. § 103(a) as unpatentable over *Solve* and *Abefelt* because the cited references fail to establish a *prima facie* of obviousness.

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). M.P.E.P. § 2142, 8th Ed., Rev. 2 (May 2004), p. 2100-128.

A *prima facie* case of obviousness has not been established because, among other things, neither *Solve* nor *Abefelt*, nor their combination, teaches or suggests each

and every element of claims 5-7. Specifically, claims 5-7 depend upon claim 1 and thus include all the elements thereof. As discussed above, *Solve* does not teach or suggest at least the "associating . . ." and "conveying . . ." elements recited in claim 1 and required by claims 5-7. Moreover, *Abefelt* does not cure the deficiencies of *Solve*. *Abefelt* merely discloses a fast-operating packet and circuit switch combination. *Abefelt*, Abstract. The switch establishes connections between a plurality of units that are distributed locally within a system and mutually connected by physical links. *Id.*, col. 1, lines 7-10. However, this does not constitute the "associating . . ." and "conveying . . ." elements recited in claim 1 and required by claims 5-7. For at least this reason, no *prima facie* of obviousness has been established.

Accordingly, the rejection of claims 5-7 under 35 U.S.C. § 103(a) as unpatentable over *Solve* and *Abefelt* should be withdrawn, and claims 5-7 should be allowed.

REJECTION OF CLAIMS 8-12

Applicants respectfully request withdrawal of the rejection of claims 8-12 over *Solve* and *Yamanaka* because the cited references fail to establish a *prima facie* of obviousness. Specifically, the cited references do not teach or suggest, separately or in combination, each and every element of claims 8-12.

Claims 8-12 depend upon claim 1 and thus include all the elements thereof. As discussed above, *Solve* does not teach or suggest at least the "associating . . ." and "conveying . . ." elements of claim 1. Further, *Yamanaka* does not cure the deficiencies of *Solve*. *Yamanaka* merely discloses a network architecture called Dynamic Transfer Mode (DTM). *Yamanaka*, Abstract. In a DTM network, a connection is set up on-the-fly by sending a series of routing link identifiers to a destination, such that burst data

transfers are more efficiently carried. *Id.* This does not constitute the "associating . . ." and "conveying . . ." elements recited in claim 1 and required by claims 8-12. For at least this reason, no *prima facie* of obviousness has been established.

Accordingly, the rejection of claims 8-12 over *Solve* and *Yamanaka* should be withdrawn, and claims 8-12 should be allowed.
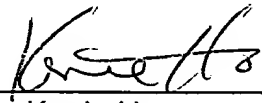
CONCLUSION

Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Further, Applicants note that the Office Action contains numerous statements reflecting apparent assertions concerning the related art and claims. Regardless of whether any such statement is specifically addressed herein, Applicants decline to automatically subscribe to any assertion and/or characterization set forth in the Office Action. Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: February 7, 2007   By:_____

Kenie Ho
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